

**DEPARTMENT OF HEALTH AND HUMAN SERVICES
OFFICE OF DIRECTOR**

ACTION REFERRAL

TO <i>Myers / Muldree</i>	DATE <i>10-29-09</i>
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DIRECTOR'S USE ONLY		ACTION REQUESTED	
1. LOG NUMBER <i>100196</i>	<input type="checkbox"/> Prepare reply for the Director's signature DATE DUE _____		
2. DATE SIGNED BY DIRECTOR <i>cc: Snider</i>	<input checked="" type="checkbox"/> Prepare reply for appropriate signature DATE DUE <i>11-9-09</i>		
<i>Closed 11/17/09, letter attached.</i> <input type="checkbox"/> Necessary Action DATE DUE _____			

APPROVALS <small>(Only when prepared for director's signature)</small>	APPROVE	* DISAPPROVE <small>(Note reason for disapproval and return to preparer.)</small>	COMMENT
1.			
2.			
3.			
4.			

DEPARTMENT OF HEALTH AND HUMAN SERVICES

RECEIVED

Office of Inspector General

Washington, DC 20201

Date:

06/21

OCT 27 2009

From: OIG Hotline

ELIGIBILITY POLICY
& OVERSIGHT

Re: OIG Hotline Complaint: G54380

RECEIVED

OCT 27 2009

To:

OTHER / *Se State Medicaid Agency*

Department of Health & Human Services
OFFICE OF THE DIRECTOR

The attached complaint is referred with the following comment(s) action.

() For Your Information Only. No action required by your Office/agency.

() Supplemental information is provided in the attached documentation. Please update your files as appropriate.

() This matter is being forwarded so that the OPDIV management can assess the matter and review the complaint. Federal regulations at 45 CFR §§ 73.735-1301, 1302 and Chapter 5-10 of the Department's "General Administration Manual" require HHS employees or supervisors to report nonfrivolous allegations of "criminal offenses" (including conflicts of interest) to the Inspector General for investigation. Should the OPDIV's review find information which supports nonfrivolous allegations of potential criminal offenses involving a HHS employee, the information obtained and the complaint should be returned to the OIG.

() Please send us a memorandum within 6 months, explaining what actions you have taken in this complaint.

() Confidentiality - This complaint does not contain any information concerning the identity of the complainant who requested confidentiality under the Inspectors General Act of 1978, Public Law 95-452 (Act), therefore, the complaint has been sanitized. It is assumed you will take all appropriate action necessary to resolve this matter. You may contact the appropriate OIGFO and request additional information. This procedure is required because the Act prohibits the disclosure of the identity of a complainant who requests confidentiality without the consent of the complainant or if such disclosure becomes unavoidable for investigative purposes.

() Controlled correspondence. See narrative for instructions.

() Attachment(s): *Complaint*

No action is required on the part of agencies receiving copies. Copies are for information only.

OIG Hotline System
DISPLAY OF COMPLAINT/SUBJECT INFORMATION

COMPLAINT INFORMATION:

Control Num:	G54380	Date Received:	10/01/2009	Xref #:	
Operator Num:	CYNTHIAD	Time Received:	1106	Language:	ENGLISH
Caller Name:	NELSON, KIM			Medicare No:	
Address:	2604 LIVE OAK CIR BEAUFORT, SC 29902				
Other Address:					
Work Phone:	8435240478	Home Phone:			
Source:	175 - RECIPIENT/BENEFICIARY				
Sex:	F	Confidential:	N		
Govt Agency:					
Analyst:	17				
Contractor ID:					
Project Ident:					
Program Cat:	910 - MEDICAL ASSISTANCE - MEDICAID				
Complaint Date:	10/01/2009	Response Date:			
Referred To:	998 - OTHER - NON HHS DEPT OR AGENCY				
Ref Date:	10/01/2009	Close Date:			
Close Action:	-				
Followup Dte1:	04/01/2010	Followup Dte2:			
Addr No:	OTHER				

SUBJECT INFORMATION:

Name: S.C. DEPARTMENT OF DISABILITIES AND SPECIAL NEEDS

Prov No:

Address: PO BOX 4706 COLUMBIA, SC 29240

Home Phone: **Work Phone:** 8038989600

Other Address:

Subject Type: 180 - GRANTEE COMPANY

Govt Agency:

Allegation 1: MISMANAGEMENT - INCOMPETENCE

Allegation 2:

Closing Action: -

Closing Date:

Refunded:

Receivables:

COMMENTS:

GAO FORWARDED INFORMATION FROM KIM NELSON ALLEGING PREFERENTIAL TREATMENT OF CHILDREN PARTICIPATING IN THE PERVASIVE DEVELOPMENTAL DISORDER PROGRAM IN SOUTH CAROLINA.

10/05/2009 UPDATE: SENT TO OI ON 10/07/2009. RETURNED ON 10/21/2009 WITH INSTRUCTIONS FROM INSP TRUSSELL TO REFER TO SC STATE MEDICAID AGENCY AT DEPARTMENT OF HEALTH AND HUMAN SERVICES P. O. BOX 8206 COLUMBIA, SC 29202-8206. (17)

Fraud - FW: RE: RE: PDD-Waver

54380

From: ??? <mkn_550@naver.com>
To: <fraud@gao.gov>
Date: 8/25/2009 4:23 PM
Subject: FW: RE: RE: PDD-Waver
Attachments: nelson.doc

Dear whom it may concern,

I would like for you to open an investigation as how this bumping has been happening and why I am not getting full answers.

Our daughter with autism is on the PDD waver list to receive federal funded Applied Behavioral Assistance in South Carolina. The funds was used in wrong way last year, so many children were unfortunately waiting. After many investigation, the funds have been replanished.

As we were communicating with the director of Autism, Daniel Davis, at DDSN via e-mail in May, he said they were releasing 100 slots in May and another 100 slots in July and our daughter Suzie would be in that list in July. Until end part of July, it was not happening, so my husband called Daniel Davis and was told that our daughter was 41 or 42, then, later via e-mail, he said she was still 100+ in the waiting list. Then, they explained somewhat hard to follow math calculations to back up themselves.

Meanwhile, one of the ladies I belong in the support groups was sharing her successful story how to get it faster. She is a single mom and called the DDSN everyday, so they got tired of hearing from her, so they gave the service to her by 'bumping'. People who were close to her knew all this episode.

Then, another mom whose daughter just turned to 3 on June 6, 09 was telling me that her daughter moved up about 150 slots since June 6. But that same calculation did not apply to our daughter.

More we are curious and keep a good track on it, they are penalizing us more. Now, I believe they cannot mess up our daughter's waiting number since Senator is monitoring, but I do believe as a tax payer and mom of special need who has been waiting on for over 1 year deserve the full explanation how some move up faster than others. One mom at the support groups calls the waiting list as a "lottery system" all depends on who you talked to. As you know that is unethical and misuse of the authority and unfair to who have been waiting patiently.

Please investigate this matter ASAP.

Kim Nelson
 843-524-0478
 2604 Live Oak Cir
 Beaufort, SC 29902

-----Original Message-----
From: "Debbie Barthe" <DebbieBarthe@scsenate.gov>
To: "???" <mkn_550@naver.com>
Cc:
Sent: 09-08-25(E) 23:08:44
Subject: RE: RE: PDD-Waver

Ms. Nelson, I was awaiting final approval on a letter from Senator Davis to send to you. Attached is copy of the letter that will be mailed to you today. Susie is currently number 66 on the list. We will continue to track her progress. Thank you!

8/28/09 8/26/09
 EE

From: ±è.îñ [mailto:mkn_550@naver.com]
Sent: Tuesday, August 25, 2009 10:03 AM
To: Debbie Barthe
Subject: RE: RE: PDD-Waver

Hi, Ms. Barthe,

I still have not heard from either of you or DDSN directly regarding why some autistic kids move up faster than Suzie. No matter how many times you and DDSN partly explained, the calculation does not match! Please explain fully! Furthermore, I have not been advised from Senator Davis that which agency I need to contact to rectify this lottery system of DDSN. Please advise ASAP!

sincerely,

Kim Nelson

-----Original Message-----

From: "±è.îñ"<mkn_550@naver.com>

To: "Debbie Barthe"<DebbieBarthe@scsenate.gov>

Cc:

Sent: 09-08-21(±Ý) 04:13:34

Subject: RE: RE: PDD-Waver

Thank you for your assistance, but I am talking about even with written correspondence, I see a huge discrepancies and would like to know the answer. One mom calls it a lottery system which is very sad to those who are unfortunately not chosen. As you can guess, lottery system does not go by the book, it is all by the luck!

Thank you for your help and would looking forward to hearing from DDSN directly shortly!

-----Original Message-----

From: "Debbie Barthe"<DebbieBarthe@scsenate.gov>

To: "???"<mkn_550@naver.com>; "ron nelson"<ronaldnel@charter.net>

Cc:

Sent: 09-08-20(±ñ) 22:49:48

Subject: RE: PDD-Waver

Ms. Nelson, I have been out of the office until this morning and just received your emails. I have shared the name with DDSN just moments ago and will let you know anything we hear back. I have also shared your additional concerns with our DDSN contact and have asked her to contact you directly. FYI, Susie is now number 77 on the list. She is moving up the list since we have been tracking her. Again, we will continue to try to assist you with this situation, but as we have discussed in the past, we can only relay on the written correspondence between your family and the agency, it is very difficult to track what is verbally communicated as it appears that there is disagreement over what was discussed. We will continue to speak with DDSN on your behalf and appreciate your patience.

Thank you.

Debbie Barthe
Office of Senator Tom Davis
Gressette Building 602
P.O. Box 142
Columbia, SC 29202
Phone: 803-212-6008
Fax: 803-212-6011
E-Mail: debbiebarthe@scsenate.gov



From: æ.ÿñ [mailto:mkn_550@naver.com]
Sent: Wednesday, August 19, 2009 9:37 PM
To: Debbie Barthe
Subject: PDD-Waver

Ms. Barthe,

I just found another shocking news. One of my friends' child was signed up for PDD-Waver on June, 09. Her number was 400+ and since then, her number moved upto 250. While 150 slots were moving up, why Suzie is not moving up? I just do not get this subtraction.

Other children move up faster, but even after the Autism Manager, Daniel Davis, confirmed Suzie would move up and would get the PDD-waver in July, 09, it has not happened. I would like to know, please!

Do I need to go to the newspaper to do the article about this corruption or do I need to contact any other agency to further investigation? Why as my husband and I are advocating, it seems as if our questioning is penalizing Suzie?

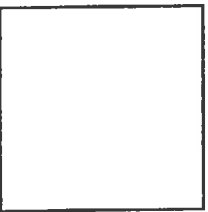
I am not giving this child's name this time, if I have to reveal again, it will be something for further and deeper investigation such as whole world should know about this kind of corruption if that is the case; not fair to the children like Suzie whose parents are on the subject.

I am not mad at you, but something needs to be done; no body still has answered my question why Daniel Davis said one thing as if he were in the new position, and now, all I get is that "Suzie is moving up and closely monitored!" We would like to know the trust as Tax Payers and as a special need parents.

sincerely,

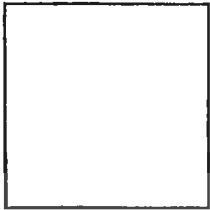
Kim Nelson

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blog mku_550'ÔÀÇ'f:fx
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TOM DAVIS
SENATOR BEAUFORT COUNTY
SENATORIAL DISTRICT 46

COLUMBIA OFFICE:

602 GRESSETTE SENATE BLDG.
POST OFFICE BOX 142
COLUMBIA, SC 29202
(803) 212-6008 (TEL)
(803) 212-6299 (FAX)
TOMDAVIS@SCSENATE.ORG



BEAUFORT OFFICE:

POST OFFICE DRAWER 1107
1001 CRAVEN STREET
BEAUFORT, SC 29901-1107
(843) 252-8583 (TEL)
(843) 524-6401 (FAX)
TOM@SENATOR.TOMDAVIS.COM

August 25, 2009

Mr. & Mrs. Ronald Nelson
2604 Live Oak Circle
Beaufort, South Carolina 29902

Dear Mr. & Mrs. Nelson,

Thank you for the continued communication with my Columbia office concerning your daughter, Susie. We are committed to continuous follow-up with DDSN and to track Susie's progress. We will continue to monitor her progress and updated as often as possible. I understand that Susie has moved from 104 on July 30th, to placement of 77 as of August 21st and as of August 24th she is number 66. While I know this is a long and frustrating wait for your family, we appreciate your patience.

I appreciate you sharing your concerns with my office concerning the preferential treatment of children participating in the PDD program. Preferential treatment or "bumping" is not allowed by the rules for this service. It is our understanding that the Medicaid rules are being followed correctly. These processes are reviewed by the South Carolina Department of Health and Human Services. It is monitored directly by this agency.

Thank you for the opportunity to continue to track Susie's progress and we will continue to provide you with timely updates.

Sincerely,

Tom Davis
Senate District 46

EDHMS54 P S.C. DEPARTMENT OF HEALTH AND HUMAN SERVICES DATE: 10/27/09
MEDSPROD RECIPIENT INFORMATION ACTION:

MEMBER PERIOD START: 03/01/09 END: PAGE: 0001

NAME: NELSON SUZIE C HH NAME: NELSON SUZIE C
RCP NUMBER: 3780831243 HH NUMBER: 101239876 ACTION TYPE: MAINTENANCE
SSN: 658-18-4877 VC: V APL STATUS:
PRIMARY INDIVIDUAL: APL CO: 07 WORKER ID: MONIW LOCATION: 055
C/O RONALD & MEALNIE NELSON SSCN: *Monica Williams* RRN:
2604 LIVE OAK CIRCLE

BEAUFORT SC 29902-
CORRECT RCP NUMBER: _____

RACE: 07 SEX: F MARITAL STATUS: S
TPL: Y RSP: 1 RELATION: SELF
DOB: 10/30/2004 DOD:
LIV ARRANGEMENT: HOME INCOME TRUST:
PROVIDER:

BG	BEG	END	BENEFITS	QMB	RETRO	% OF	POV			
S	NUMBER	ELIG	ELIG	PCAT	QCAT	TYPE	IND	IND	LEVEL	SPONSOR
79935250	10/01/2007	57	50	FULL	N	Y	.00	9955		

UPDATED: USER ID: MONIW DATE: 01/25/08 SYSTEM ID: TTR1001 DATE: 02/13/08
ME900063 RECIPIENT RECORD FOUND

PF2->HH BG PF3->HH MBR DTL PF4->REFH PF5->ELD02 PF6->RETURN PF7->PREV
PF8->NEXT PF9->HH NOTES PF15->RCP SEARCH PF17->ELD00 PF18->HH MBR BGS

Log # 196

November 17, 2009

Mr. and Mrs. Nelson
2604 Live Oak Circle
Beaufort, SC 29902

Re: OIG Hotline Complaint: G54380

Dear Mr. and Mrs. Nelson,

Your letter concerning the maintenance of the waiting list for the Pervasive Developmental Disorder (PDD) waiver was referred to our agency by the Office of the Inspector General (OIG). We have reviewed the allegations in your letter and discussed these issues with the South Carolina Department of Disabilities and Special Needs (SCDDSN).

In both May and July of this year, DDSN authorized 100 additional slots in the PDD waiver. Based on your daughter's position on the waiting list, she was eligible for one of the slots authorized in July. However, as I understand DDSN has explained, there are several steps that must occur between the authorization of your daughter's slot and the actual provision of services. I am sure this is frustrating because these services are so vital to the well-being of your daughter. I am pleased to hear about your daughter's progress moving off the waiting list and being enrolled in the waiver. I am sorry that the process took as long as it did and we are continually looking for ways to improve.

We did review the process, and, based upon our review of this matter and the information supplied in your complaint, it appears that SCDDSN is in compliance with its policy for the PDD waiver waiting list. As the administering agency of the waiver, SC Department of Health and Human Services is responsible for enrollments in the PDD waiver, and as part of this process, we periodically do comparisons between actual enrollments and the waiting list to ensure integrity in the process.

Again, I am pleased to hear that your daughter has moved off the waiting list and I hope the waiver provides her the assistance she needs. If you have further questions, please contact Anita Atwood at 803-898-4641.

Sincerely,


Felicity Myers, Ph.D.
Deputy Director, Medical Services

cc: OIG (#G54380)
Kathi Lacy, SCDDSN